

REMARKS

By the foregoing Amendment, Claims 1, 11 and 15 are amended. Entry of the Amendment, and favorable consideration thereof is earnestly requested.

The Examiner has rejected all claims either under 35 U.S.C. §102(e) as being anticipated by Potter et al. (U.S. Patent No. 5,787,402) or under 35 U.S.C. §103(a) as being unpatentable Potter et al. in view of Wiseman (U.S. Patent No. 5,168,446) and in some cases further in view of Vander Huevel (U.S. Patent No. 5,281,962). Applicant respectfully asks the Examiner to reconsider these rejections in view of the above Amendments and the below Remarks.

As described in the specification, Applicant discloses and claims a system 10 for providing notification of market information. A user computer 12 is used to specify a market condition to be monitored 15 via a first telecommunication link 16, which is received and stored on a host computer 30. Upon receipt of the condition to be monitored 15, the host computer 30 generates and transmits confirmation data 17 via a second telecommunication link 18 indicating that the specified market condition 15 has been received by the host computer 30 and will be monitored. A monitoring program 24 compares each of the specified market conditions 15 stored on the host computer with a source of updated market data 20 to determine if a specified market condition 15 is found in the source of updated market data 20. If and when a specified market condition 15 is found to exist, the monitoring program 24 generates a signal 32 indicating such, and transmits the signal 32 to the client 36 via a third telecommunication link 34. See FIG. 1 of the subject patent application.

All claims have been amended to further highlight some of the novel features of the present invention. All claims now require, among other elements, three separate telecommunication links, a first via which the indication of the market condition to be monitored is transmitted, a second via which the confirmation of receipt is transmitted, and a third via which the notification that the market condition has been found to exist is transmitted. Applicants respectfully submit that at least these elements are not disclosed, taught or suggested by the cited prior art, either alone or in combination.

Potter et al. discloses a method for performing financial transactions involving foreign currencies, particularly accommodating “leave orders.” A user of the system disclosed in Potter et al. specifies the terms of the transaction the user desires and then “leaves” the order with the system via an “FX Order GUI”. Acknowledgement of the leave orders is displayed on an “Order Blotter” portion of the “FX Order GUI”. The system monitors the market terms against the user’s desired terms and reports back to the user with a bank’s offer if the conditions are met (via audio and visual warnings), again via the “FX Order GUI”. Thus, all three communications (i.e., the indication of the market condition to be monitored, the confirmation of receipt, and the notification that the market condition has been found to exist) are transmitted through the same telecommunication link between the “FX Order GUI” and the “FX Order Server”. This was even recognized by the Board of Patent Appeals and Interferences in its Decision, where it is stated in the second full paragraph of page 9 that “The user receives a message confirming the monitoring in the form of pending trades or notifications on the FX order blotter simultaneously with sending it to the FX order database.”

While this distinction might seem insignificant in view of today's technology, Applicants point out to the Examiner that the present application was filed in 1997, and that the Examiner must therefore attempt to put himself in the shoes of one skilled in the art *at that time*. In 1997, while wireless communication via telephone was well-developed, wireless data networking (particularly, the ability to communicate wirelessly through the Internet) was in its infancy. Being able to use a system such as that disclosed in Potter et al. using wireless technology in 1997 would have been reserved only for those with incredibly expensive equipment, if it was even possible at all. Rather, how wireless communications, particularly in the field of monitoring market data, worked in 1997 was that one would wirelessly send a request to monitor a market condition "into the void" of a telecommunications network and then wait for a notification that the market condition had been satisfied. While waiting to receive the notification, the user could not be sure whether the lack of notification was caused by the market condition not having yet been satisfied, or by the fact that the user's request for monitoring was lost in the "void" and had never reached the monitoring system.

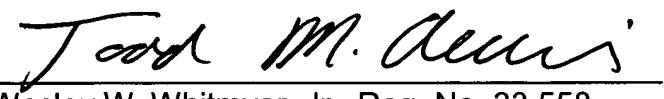
The present invention was created to remedy this problem. The user first sends a request to monitor a market condition via a first telecommunication link. Once the request is received by the monitoring system and entered into the database of conditions to be monitored, the monitoring system sends confirmation of such to the user via a second telecommunication link. In this way, the user may rest assured that that his/her request for monitoring has been processed, and that any silence in not receiving notification that the specified condition has been found to exist is actually due to the fact that the specified condition does not exist, and not because the request for monitoring was lost. If and when the condition to be monitored is found to exist, the monitoring system sends notification of such to the user via a third telecommunication link.

This is completely different than the system disclosed in Potter et al., in which a single communication link is used to transmit all three communications, which system would be impracticable if not impossible to implement wirelessly in 1997, the relevant time period. Moreover, Applicants respectfully submit that modifying Potter et al. to arrive at the present invention as claimed would not have been obvious to one skilled in the art, and that Potter et al. actually teaches one skilled in the art away from such modifications. This is true because Potter et al. is concerned with providing an integrated system for performing automated financial transactions, which system is relatively complex considering the technology that existed at the time the present application was filed. Applicants respectfully submit that it would have been impossible using technology which existed in 1997 to implement the entire system disclosed in Potter et al. in a wireless environment. As such, in order to arrive at the present invention, one skilled in the art would have to take the teachings of Potter et al., isolate a single function thereof (despite Potter et al.'s teaching that an integrated system is desirable), and then adapt that isolated function for use in a wireless environment (there being no other possible motivation Applicants can think of for requiring three separate telecommunication links) in the particular way as claimed. Applicants respectfully believe that such a course of action would not have been obvious to one skilled in the art at the time.

Wiseman discloses a system for processing trades in selected commodities among a group of trading stations using a particular staged protocol, while Vanden Heuvel discloses a device for automatic generation and notification of identification information corresponding to a received message. Neither Wiseman nor Vanden Heuvel provides any motivation for one skilled in the art to modify Potter et al. in a way which would arrive at the present invention as claimed.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 1-4 and 11-17, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,



Wesley W. Whitmyer, Jr., Reg. No. 33,558
Todd M. Oberdick, Reg. No. 44,268
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, Connecticut 06905-5619
(203) 324-6155
Attorneys for Applicant